

BELDEN RUSSONELLO & STEWART

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RESEARCH AND COMMUNICATIONS

Optimism, Pessimism, and Jailhouse Redemption:  
American Attitudes on Crime,  
Punishment, and Over-incarceration

Findings from a National Survey  
Conducted for the ACLU

by

Belden Russonello & Stewart

**ACLU National Survey on Crime**

**Questionnaire and Topline Results**

Interviewing conducted January 5, 2001 through January 22, 2001

N = 2,000 adults 18 and older in the United States

Data have been weighted by race.

Percents may add to 99% or 101% due to rounding

\* indicates less than 1% , -- indicates zero

Margin of sampling error is ±2.2 percentage points for the national sample.

Margin of error is larger for smaller sub groups.

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|---|-----------------------|-----|
| 1. In the last year, do you think <i>violent</i> crime in the country has increased, decreased, or stayed about the same? | INCREASED .....       | 43% |
|   | DECREASED .....       | 15  |
|   | STAYED THE SAME ..... | 38  |
|   | DON'T KNOW .....      | 3   |
|   | REFUSE.....*          |     |

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|   |                              |     |
|---|------------------------------|-----|
| 2. What type of crime or crimes do you most associate with non-violent crime?<br>PROBE: Could you give me some examples? (OPEN END) (MULTIPLE CODES, RESPONSES MAY ADD TO MORE THAN 100%) | WHITE COLLAR CRIME.....      | 17% |
|   | POSSESSING/USING DRUGS ..... | 9   |
|   | SELLING DRUGS.....           | 1   |
|   | OTHER VICE CRIMES .....      | 1   |
|   | PROPERTY CRIMES.....         | 47  |
|   | TRAFFIC VIOLATIONS.....      | 5   |
|   | VIOLENT CRIMES.....          | 3   |
|   | ALL CRIME IS VIOLENT.....    | 2   |
|   | MISCELLANEOUS .....          | 6   |
| DON'T KNOW .....  | 18                           |     |

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Now I would like to ask you some questions about non-violent crimes. For this survey, we will consider non-violent crime, crimes *other than* murder, rape, assault, or robbery.

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| 3. In the last year, do you think <i>non-violent</i> crime, that is crime other than murder, rape, assault, or robbery, in the country has increased, decreased, or stayed about the same? | INCREASED .....      | 41% |
|  | DECREASED .....      | 9   |
|  | STAYED THE SAME..... | 44  |
|  | DON'T KNOW .....     | 5   |
|  | REFUSED .....        | *   |

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|--|----------------------------|-----|
| 4. In general, would you say criminals who commit <i>non-violent</i> crimes in the US are not punished enough, are adequately punished, or are punished too harshly? | NOT PUNISHED ENOUGH .....  | 52% |
|  | ADEQUATELY PUNISHED.....   | 28  |
|  | PUNISHED TOO HARSHLY ..... | 12  |
|  | DON'T KNOW .....           | 7   |
|  | REFUSE.....*               |     |

Now, I would like to ask you some questions about prisons.

|  |                        |     |
|--|------------------------|-----|
| 5. From what you know, do you think life in prison is too harsh, not harsh enough, or about right? | TOO HARSH .....        | 10% |
|  | NOT HARSH ENOUGH ..... | 42  |
|  | ABOUT RIGHT .....      | 35  |
|  | DON'T KNOW .....       | 13  |
|  | REFUSE.....            | 1   |

In your opinion, should a person who commits the following crime go to prison always, most of the time, just some of the time, or never?

|   | <b>Always</b> | <b>Most of the time</b> | <b>Some of the time</b> | <b>Never</b> | <b>DK/Ref</b> |
|---|---------------|-------------------------|-------------------------|--------------|---------------|
| 6. Buying illegal drugs for personal use                      | 27%           | 14                      | 40                      | 16           | 2             |
| 7. Using illegal drugs  | 25%           | 14                      | 43                      | 15           | 2             |
| 8. Possessing small amounts of illegal drugs for personal use | 19%           | 12                      | 42                      | 25           | 2             |
| 9. Selling illegal drugs                                      | 63%           | 18                      | 16                      | 2            | 1             |
| 10. Shoplifting   | 18%           | 14                      | 53                      | 13           | 3             |
| 11. Stealing a car  | 48%           | 22                      | 27                      | 2            | 1             |
| 12. Stealing something from a house when no one is at home    | 49%           | 21                      | 26                      | 3            | 1             |
| 13. Selling phony life insurance policies                     | 59%           | 17                      | 19                      | 3            | 2             |

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|---|-----------------------------|
| 14. In your opinion, what should be the MAIN purpose of sending a person to prison: to punish the individual, to rehabilitate the individual so he might become a productive citizen, to keep him locked up in order to protect society from future crimes he might commit, or to deter others who might commit crimes? | TO PUNISH..... 21%          |
|   | TO REHABILITATE ..... 40    |
|   | TO PROTECT SOCIETY ..... 21 |
|   | TO DETER OTHERS ..... 12    |
|   | DK/REFUSE..... 5            |

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|   |                    |
|---|--------------------|
| 15. From what you know, do prisons do an excellent, good, fair, poor, or very poor job of rehabilitating prisoners? | EXCELLENT.....*    |
|   | GOOD ..... 7       |
|   | FAIR ..... 25      |
|   | POOR ..... 40      |
|   | VERY POOR ..... 18 |
|   | DK/REFUSE..... 9   |

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|--|-------------------------|
| 16. Would you favor or oppose replacing prison sentences with mandatory drug treatment and probation for people convicted of non-violent illegal drug use? [Is that strongly favor/oppose or somewhat favor/oppose?] | STRONGLY FAVOR..... 42% |
|  | SOMEWHAT FAVOR..... 32  |
|  | SOMEWHAT OPPOSE..... 10 |
|  | STRONGLY OPPOSE..... 12 |
|  | DK/REFUSE..... 4        |

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|--|------------------------------|
| 17. Do you think there are more people in prison in the US for committing violent crimes, or more in prison for committing non-violent crimes? [VOLUNTEER: ABOUT THE SAME] | MORE VIOLENT..... 32%        |
|  | MORE NON-VIOLENT ..... 53    |
|  | ABOUT THE SAME (VOL) ..... 3 |
|  | DON'T KNOW/REF..... 13       |

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Please tell me if you agree or disagree with the following statements. (Is that strongly agree/disagree or somewhat agree/disagree?) [ROTATE Q18-Q20 THEN ROTATE Q21-Q24]

|  | Agree | Disagree | Agree |      | Disagree |       | DK/<br>Ref |
|--|-------|----------|-------|------|----------|-------|------------|
|  |       |          | Strng | Smwt | Smwt     | Strng |            |
| 18. [SPLIT SAMPLE A] In most cases of adult, non-violent prisoners, efforts to rehabilitate are a waste of time and money.                     | 36%   | 60       | 16%   | 20   | 31       | 29    | 4          |
| 18. [SPLIT SAMPLE B] In most cases of adult, violent prisoners, efforts to rehabilitate are a waste of time and money.                         | 47%   | 49       | 24%   | 23   | 30       | 19    | 4          |
| 19. Prisons are too comfortable and criminals don't mind being sent to prison.   | 59%   | 35       | 38%   | 21   | 17       | 18    | 6          |
| 20. People who are out of prison, on parole and who fail a drug test, should be sent back to prison.   | 65%   | 31       | 43%   | 22   | 19       | 12    | 3          |
| 21. African Americans are treated unfairly by the criminal justice system.   | 55%   | 35       | 27%   | 28   | 16       | 19    | *          |
| 22. Large numbers of people in prison do not deserve to be there because their crimes did not cause physical injury or harm to another person. | 44%   | 51       | 18%   | 26   | 24       | 27    | 5          |
| 23. Prisons should be required to teach inmates skills so they are less likely to commit crimes once they are released.                        | 88%   | 11       | 69%   | 19   | 5        | 6     | 1          |
| 24. We need to change the laws so that fewer non-violent crimes are punishable by prison terms.  | 62%   | 33       | 30%   | 32   | 16       | 17    | 5          |

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25. With whom do you agree with more: those who say we should allow parole for people who commit non-violent crimes and spend more tax dollars on training and education programs to help them become productive citizens, or those who say that we should do away with parole for people who commit non-violent crimes and spend more tax dollars to keep them in prison for longer?

ALLOW PAROLE ..... 87%  
DO AWAY WITH PAROLE..... 9  
DON'T KNOW/REF..... 4

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26. In recent years, some states have required that certain crimes, including non-violent crimes, carry a mandatory or automatic prison sentence, regardless of the circumstances of the crime. Do you support or oppose the idea of mandatory prison sentences for certain types of non-violent crimes? (Is that strongly support/oppose or somewhat support/oppose?)

STRONGLY SUPPORT ..... 16%  
SOMEWHAT SUPPORT..... 19  
SOMEWHAT OPPOSE..... 26  
STRONGLY OPPOSE..... 35  
DON'T KNOW/REF..... 5

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27. Some people argue that mandatory sentencing makes the justice system FAIR because the same punishment is always given for the same crime. Other people argue that mandatory sentencing is NOT FAIR because the circumstances of each crime are different and we need to take into account these circumstances in order for the punishment to be fair and appropriate. With whom do you agree with more?

MANDATORY MINIMUMS  
ARE NOT FAIR ..... 61%  
MANDATORY MINIMUMS  
ARE FAIR..... 36  
DON'T KNOW/REF..... 3

28. Let me give you an example of how mandatory sentencing laws can work. Under the law, a 25-year-old woman who has never been in trouble before, is caught transporting cocaine for her boyfriend. She tells the court she is ashamed of what she did and wants nothing to do with drugs in the future. Under mandatory minimum laws, she must be sentenced to ten years in state prison – that is the same prison sentence that is given to experienced drug dealers who are caught transporting cocaine. The law says everyone must be treated the same. After hearing how mandatory sentencing works, do you support or oppose mandatory sentencing laws? (Is that strongly or somewhat support/oppose?)

STRONGLY SUPPORT..... 15%  
SOMEWHAT SUPPORT..... 11  
SOMEWHAT OPPOSE..... 21  
STRONGLY OPPOSE..... 51  
DON'T KNOW/REF..... 2

Here are some statements about punishing people who commit non-violent crimes. (ROTATE SERIES 29-38 AND 39-45)

First, some statements that people have made to change the law so that FEWER non-violent crimes are punishable by prison terms. For each statement, please tell me if you think it is a very convincing reason, somewhat convincing, not very convincing, or not at all convincing reason to change the law so that FEWER non-violent crimes are punishable by prison terms. (ROTATE 29-38)

|   | <b>Conv.</b> | <b>Not conv.</b> | <b>Very conv.</b> | <b>Smwt conv.</b> | <b>Not very conv.</b> | <b>Not at all conv.</b> | <b>DK/Ref</b> |
|---|--------------|------------------|-------------------|-------------------|-----------------------|-------------------------|---------------|
| 29. Prison teaches inmates to become criminals, so a system that locks up non-violent offenders will only lead to more crime, not less. | 62%          | 36               | 30%               | 32                | 19                    | 17                      | 3             |
| 30. More than half of all prison inmates in the US are serving time for non-violent crimes.   | 67%          | 36               | 28%               | 39                | 16                    | 10                      | 7             |
| 31. We should not waste valuable prison resources on non-violent offenders while we need prisons to house violent criminals.            | 70%          | 28               | 35%               | 35                | 17                    | 11                      | 2             |

|   | <b>Conv.</b> | <b>Not conv.</b> | <b>Very conv.</b> | <b>Smwt conv.</b> | <b>Not very conv.</b> | <b>Not at all conv.</b> | <b>DK/ Ref</b> |
|---|--------------|------------------|-------------------|-------------------|-----------------------|-------------------------|----------------|
| 32. In many states, more money is spent on prison construction and housing non-violent offenders than on higher education.  | 73%          | 22               | 45%               | 28                | 13                    | 9                       | 4              |
| 33. Government studies have found that African Americans do NOT use illegal drugs more than whites but African Americans are put in prison at a greater rate for drug possession. | 62%          | 31               | 33%               | 29                | 18                    | 13                      | 7              |
| 34. Currently, there are 1.9 million men, women, and youth behind bars. That is double the number of people in prison in 1986.  | 68%          | 24               | 35%               | 33                | 14                    | 10                      | 7              |
| 35. Generations of African-American youth will grow up with their fathers in prison unless we act.  | 63%          | 32               | 33%               | 30                | 18                    | 14                      | 4              |
| 36. Thousands of children are living in foster care and orphanages because their mothers have been sent to prison for non-violent illegal drug possession.                        | 68%          | 28               | 34%               | 34                | 17                    | 11                      | 4              |
| 37. A large segment of the prison population is people convicted of non-violent illegal drug possession only.   | 72%          | 31               | 24%               | 38                | 20                    | 11                      | 6              |
| 38. Many people in prison today are non-violent drug addicts who need drug treatment not a prison sentence.   | 77%          | 20               | 42%               | 35                | 11                    | 9                       | 2              |

Now here are some statements that people have made about the need to change the laws so that MORE non-violent crimes are punishable by a prison sentence. For each statement, please tell me if you think it is a very convincing reason, somewhat convincing, not very convincing, or not at all convincing reason to change the laws so that MORE non-violent crimes are punishable by a prison sentence.

(ROTATE 39-45)

|  | <b>Conv.</b> | <b>Not conv.</b> | <b>Very conv.</b> | <b>Smwt conv.</b> | <b>Not very conv.</b> | <b>Not at all conv.</b> | <b>DK/ Ref</b> |
|--|--------------|------------------|-------------------|-------------------|-----------------------|-------------------------|----------------|
| 39. If we imprison people who commit non-violent crimes, they will be less likely to break the law in the future.                                      | 52%          | 46               | 18%               | 34                | 27                    | 19                      | 2              |
| 40. The victims of a crime have a right to see that the offender is punished.  | 82%          | 16               | 48%               | 34                | 10                    | 6                       | 2              |
| 41. Locking up people who commit crimes is the first step to rehabilitation because it teaches offenders that there are consequences for their crimes. | 71%          | 28               | 33%               | 38                | 17                    | 11                      | 1              |
| 42. It's important for society to have rules and order, and for people to know if they commit a crime, they will do some time in prison.               | 81%          | 17               | 46%               | 35                | 12                    | 5                       | 1              |
| 43. Locking up people who commit non-violent crimes is needed to keep society safe.  | 49%          | 47               | 17%               | 32                | 29                    | 18                      | 3              |
| 44. (SPLIT SAMPLE A) We need a zero-tolerance drug policy that puts anyone using or possessing illegal drugs in prison.                                | 46%          | 51               | 22%               | 24                | 24                    | 27                      | 3              |
| 44. (SPLIT SAMPLE B) Illegal drug use is tearing apart our communities. We need to lock up drug users to stop the spread of drugs and crime.           | 59%          | 40               | 30%               | 29                | 22                    | 18                      | 2              |
| 45. Because we have put more people in prison in the last decade, crime rates have dropped by a third.   | 50%          | 44               | 17%               | 33                | 25                    | 19                      | 5              |

Here are some alternative punishments to putting people who commit non-violent crimes in prison. Please tell me if you think each of the following is a good idea or bad idea to... (Is that a very good/bad idea or a somewhat good/bad idea?): (ROTATE 46-51)

|  | <b>Good</b> | <b>Bad</b> | <b>Very good</b> | <b>Smwt good</b> | <b>Smwt bad</b> | <b>Very bad</b> | <b>DK/Ref</b> |
|--|-------------|------------|------------------|------------------|-----------------|-----------------|---------------|
| 46. Require community service, instead of going to prison  | 80%         | 17         | 43%              | 37               | 10              | 7               | 2             |
| 47. Require offenders to compensate their victims for their loss, instead of going to prison                                       | 76%         | 21         | 49%              | 27               | 12              | 9               | 2             |
| 48. Require offenders to check in with a probation officer, instead of going to prison   | 74%         | 24         | 39%              | 35               | 14              | 10              | 2             |
| 49. Require mandatory education and job training, instead of going to prison.  | 81%         | 18         | 49%              | 32               | 10              | 8               | 2             |
| 50. Require non-violent offenders to meet with their victims to understand the impact of their crimes, instead of going to prison. | 60%         | 37         | 33%              | 27               | 19              | 18              | 3             |

  

|   |                         |     |
|---|-------------------------|-----|
| 51. Do you agree or disagree that we need to change the laws so that fewer non-violent crimes are punishable by prison terms? (Is that strongly agree/disagree or somewhat agree/disagree?) | STRONGLY AGREE .....    | 37% |
|   | SOMEWHAT AGREE.....     | 33  |
|   | SOMEWHAT DISAGREE.....  | 14  |
|   | STRONGLY DISAGREE ..... | 12  |
|   | DON'T KNOW/REF.....     | 3   |